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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,746

06/06/2006

Denis Guillois

127694

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25944 7590 05/27/2009

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EXAMINER

CHAN, KO HUNG

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

05/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,746	<b>Applicant(s)</b> GUILLOIS ET AL.	
	<b>Examiner</b> Korie H. Chan	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12 and 13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

Claims 1-3, 6-8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al (US patent no. 6,595,473) in view of Yelsma (US patent no. 3,471,987) . Aoki discloses a support device (figure 7) comprising the means of support comprises two holding members (89, figure 7) each made in the form of a half-cylindrical body (90, 90'), a spring clip (92 and 93) in which the two holding members (89) can be engaged, wherein the spring clip rests on an intermediate mount (61, figure 7) that bears on an anchor plate (28, figure 2); wherein each body has a flat face (flat surfaces adjacent 48, figure 7) provided with at least one longitudinal furrow (the channel where tube 2 rests) in which a fire-detection capillary can be placed; wherein the support device comprises at least two metal shells (flanges 58) that can be arranged around the holding members (89); wherein each shell is made in the form of a part (flanges 58) capable of fitting around part of the exterior of the holding members; clip holder (56) being positioned around the shells; wherein a portion of the two holding members is not in contact with the spring clip (the inside surface of 89 between 48, figure 7 is not in contact with the clip). However, Aoki does not disclose the spring clip is a one-piece. One piece spring clip is old and well-known in the art of clamps and clips. Yelsma teaches such one piece spring clip (40). It would have been obvious to

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one of ordinary skilled in the art to have modify the two piece clip of Aoki such that it is one piece as such one-piece clip is old and well-known in the art of clips as demonstrated by Yelsma.

Claims 1-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US patent no. 6,668,865) in view of Aoki et al (US patent no. 6,595,473) and Yelsma (US patent no. 3,471,987). Miyamoto discloses a support device (figure 5) comprising the means of support comprises two holding members (37) each made in the form of a half-cylindrical body (37); wherein each body (37) has a flat face provided with at least one longitudinal furrow (38) in which a fire-detection capillary can be placed; wherein each body has a side wall in which longitudinal recesses (recesses between 37a) are formed; wherein each longitudinal recess is enclosed by two end shoulders (37a); wherein it comprises at least two metal shells (26a) that can be arranged around the holding members (37); wherein each shell is made in the form of a part capable of fitting around part of the exterior of the holding members; clip holder (, 35, 36) being positioned around the shells (26a); a spring clip (24 and 25) in which the two holding members (37) can be engage; wherein a portion of the two holding members is not in contact with the spring clip (the inside surfaces 38a, 37b, 37c of holding members 37, figure 5 is not in contact with the clip 24,25).

However, Miyamoto does not disclose the spring clip rests on an intermediate mount that bears on an anchor plate or the spring clip is a one-piece. One piece spring clip is old and well-known in the art of clamps and clips. Yelsma teaches such one piece spring clip (40).

Aoki discloses a support device (figure 7) comprising the means of support comprises two holding members (89, figure 7) each made in the form of a half-cylindrical body (90, 90'), a spring clip (92 and 93) in which the two holding members (89) can be engaged, wherein the spring clip rests on an intermediate mount (61, figure 7) that bears on an anchor plate (28, figure 2). It would have been obvious to have provided an intermediate mount on the spring clip of Miyamoto for engagement with an anchor plate as such means of supporting spring clip is old and well-known in the art as demonstrated by Aoki and furthermore it would have been obvious to one of ordinary skilled in the art to have modify the two piece clip of Miyamoto such that it is one piece as such one-piece clip is old and well-known in the art of clips as demonstrated by Yelsma.

Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 and 12, 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on (571)272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Korie H. Chan/

Primary Examiner

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Khc

May 21, 2009